

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

James Buford Robertson,)	Civil Action No.: 4:13-cv-01341-MGL
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
Geo Care of South Carolina Inc.; Ron)	
Laurenz; Cynthia McFadden; Bruce)	
McClease,)	
)	
Defendants.)	
_____)	

Plaintiff James Buford Robertson is an inmate in custody at the Columbia Regional Care Center in Columbia, South Carolina. On May 20, 2013, Plaintiff proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III, for pretrial handling. On August 22, 2013, Judge Rogers issued a Report and Recommendation recommending that the court dismiss Plaintiff's complaint without prejudice and without issuance and service of process. (ECF No. 19.)

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

In lieu of objections, Plaintiff filed a "Motion to Withdraw" in this case on September 11,

2013, “to withdraw this civil action (4:13-cv-01341-MGL) against Defendants mentioned above.”
(ECF No. 22.)

After a careful review of the record, the applicable law, the Report and Recommendation, and Plaintiff’s motion to withdraw, the court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference, Plaintiff’s motion to Withdraw (ECF No. 22) is GRANTED, and this action is DISMISSED without prejudice.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
October 31, 2013